

July 16, 2011

The Honorable Lois Capps
United States House of Representatives
Washington, D.C. 20515

Dear Congresswoman Capps:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letters of March 24, April 11, and June 7, 2011, requesting that we immediately stay the license renewal process for the Diablo Canyon Units 1 and 2. The NRC received a letter dated April 10, 2011, from Pacific Gas and Electric Company (PG&E) requesting that the NRC not issue renewed operating licenses for Diablo Canyon nuclear power plants, if approved, until after PG&E has completed 3-D seismic studies and submitted a report to the NRC addressing the results of those studies. PG&E also noted that it believes it would be prudent to complete the seismic studies prior to issuance of the coastal consistency certification that is required under the Coastal Zone Management Act (CZMA). PG&E indicated that the 3-D studies and the report addressing the study results are expected to be completed by December 2015. On April 12, 2011, counsel for PG&E sent a letter to the NRC's Atomic Safety and Licensing Board that states "PG&E has not requested any suspension or delay in the NRC staff's ongoing safety and environmental reviews of the [Diablo Canyon] license renewal application." It further notes that "PG&E also is not requesting any delay in the schedule for this licensing hearing process."

Currently before the Commission is an "Emergency Petition to Suspend All Pending Reactor Licensing Decisions and Related Rulemaking Decisions" pending investigation of the lessons learned from the Fukushima Daiichi nuclear power station event. This Emergency Petition to the Commission includes the Diablo Canyon license renewal proceeding. As I previously noted in my August 26, 2010, letter to you, I cannot comment on issues associated with assertions that seismic uncertainties remain to be studied since such assertions may have to be reviewed by the Commission in its adjudicatory capacity. Accordingly, since the Emergency Petition for suspension of reactor licensing and the adequacy of seismic information associated with the pending Diablo Canyon proceeding are or may be before the Commission in its adjudicatory capacity, the Commission cannot comment on or discuss those specific requests or concerns.

However, I am able to inform you of the status of the Diablo Canyon license renewal review schedule. On May 31, 2011, the NRC staff responded to PG&E's letter dated April 10, 2011 (ML11138A315). As a result of PG&E's requested deferral of issuance of renewed operating licenses for the Diablo Canyon nuclear power plants, the NRC staff has updated the staff's review schedule and milestones to reflect the delays in the license review process associated with the projected completion of the seismic studies and the CZMA's coastal consistency certification. While the staff review schedule delays are not a stay or suspension of the license renewal process, the revised review schedule allows for the time to consider information associated with the anticipated 3-D seismic studies. On June 7, 2011, the Atomic

Safety and Licensing Board notified the Commission that until these seismic studies have been completed the adjudication will be delayed (ML111580337). The Board estimates that the delay could be approximately 52 months. This is consistent with the staff's revised licensing schedule.

Please be assured that, should information at any time, show that there is a basis to question the continued safe operation of the Diablo Canyon facility, the NRC will take appropriate action as part of the agency's ongoing safety oversight. If you have any additional questions, please contact me or Ms. Rebecca Schmidt, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

/RA/

Gregory B. Jaczko